



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 13, 1999

S. 501

Glacier Bay Fisheries Act

*As ordered reported by the Senate Committee on Energy and Natural Resources
on June 30, 1999*

CBO estimates that enacting S. 501 would have no significant impact on the federal budget. Because the bill would affect direct spending, pay-as-you-go procedures would apply. We estimate, however, that there would be no significant change in direct spending. S. 501 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 501 would permit local residents to engage in subsistence fishing and egg gathering at Glacier Bay National Park in Alaska. The bill would prohibit the Secretary of the Interior from taking any action that could adversely affect the state's management of marine fishing in the park or any legal subsistence fishing and gathering. Section 3 of the bill would make available an existing special fund of the National Park Service (NPS) for paying damages to persons who after January 1, 1999, suffer any loss of earnings when legal commercial fishing conducted in Glacier Bay is affected by any federal action. The fund, which consists of 60 percent of fees paid by tour concessioners, could be used to pay damages of up to \$2 million annually. At present, the fees deposited in this fund are available without further appropriation to acquire certain emergency equipment and to conduct investigations on the effects of allowing tour vessels to enter the bay.

The interpretation of section 3 is uncertain, but CBO believes that this provision would have no significant net impact on the federal budget. The section would not establish any new cause of action for lost fishing revenues but would instead designate a new source of payment for such claims brought under existing statutes, most likely the Federal Tort Claims Act. Under that law, for successful claims of over \$2,500, payment is currently made from the U.S. Treasury's claims and judgments fund, which has permanent indefinite authority to make such payments. Judgments of less than \$2,500 are made from an agency's appropriated funds. Under S. 501, in contrast, it appears that a successful claim would be paid from the permanent NPS fund if sufficient balances are available. If not, or if aggregate claims for the year already exceed \$2 million, CBO assumes that the legislation would allow the claim to be paid from one of the other two payment sources specified by the Federal Tort Claims

Act—as it would be in the absence of this legislation. Thus, the total amount of claims payments would not be affected. Some small judgments that are currently paid from appropriated funds would instead be paid from the NPS special fund—but any such increase in direct spending would not be significant.

The other provisions of S. 501 would have no effect on the federal budget.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.